



November 24, 1999

Mr. Michael L. Scanlon
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.
3000 Bank One Center
1717 Main Street
Dallas, Texas 75201-4335

OR99-3385

Dear Mr. Scanlon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129064.

The City of Princeton (the "city"), which you represent, received a written request for the city's "itemized attorney bill for July 1999." You contend that the requested attorney billing statement is excepted from required public disclosure pursuant to section 552.107(1) of the Government Code "to the extent that it reveals client confidences or the attorney's legal advice."

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and client confidences. *Id.* In Open Records Decision No. 574, this office conclude that

[i]n general, the attorney's mere documentation of calls made, meetings attended, or memos sent is not protected under [the statutory predecessor to section 552.107(1)], if no notes revealing the attorney's legal advice or the client's confidences are included. Such documentation simply does not embody attorney-client communication.

ORD 574 at 7. *See also* Open Records Decision No. 589 (1991). Although many entries in the billing statement reveal the subject matter of conferences that have taken place between the attorney and city officials, most of those entries do not reveal the substance of those conversations. Similarly, the fact that the attorney performed legal research regarding a

broad legal issue does not reveal any legal advice the attorney may have rendered to the client. We have marked the portions of the fee bill that the city may withhold pursuant to the attorney-client privilege. The remaining portions of the fee bill must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/ljp

Ref: ID# 129064

Encl. Marked documents

cc: Ms. Donna Rodgers
808 Wilson Drive
Princeton, Texas 75407
(w/o enclosures)